IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE

WRIT PETITION NO.9283 OF 2003

Shri Adam H. Bepari & Ors. ... Petitioners

V/s.

District Collector & Ors. ... Respondents

Mr.A.V. Anturkar for Petitioners
Mr.R.D. Rane, AGP, for Respondent Nos.1 and 2
Mr.P.B. Shah for Respondent Nos.3 and 4

CORAM: **H.L. GOKHALE &**
SMT.NISHITA MHATRE, JJ.

DATED: **SEPTEMBER 30, 2004**

P.C.:

. Heard Mr.Anturkar in support of this petition. Mr.Rane, Additional Government Pleader appears for Respondent Nos.1 and 2 and Mr.P.B. Shah for Respondent Nos.3 and 4. Mr.Rane is also appearing for Pune Housing and Area Development Board. After the matter was adjourned from time to time and after taking instructions from his clients, Mr.Anturkar for the Petitioners states that the Petitioners are agreeable to shift to the proposed site of the slaughter house annexed as R3 to the affidavit of one Rafiq Saudagar affirmed on 26.9.2004. This site will be a temporary site until the regular site is allotted by the State Government in consultation with the Municipal Council.

This site is the same as decided by the Municipal Council in its resolution No.578. Mr.Anturkar points out that by about 4 O'clock in the evening every day, the work of slaughtering gets over and the garbage collected is required to be removed. The garbage collection van of the Municipal Council will visit the place between 4pm and sunset every day. Mr.Anturkar assures that whatever charges are otherwise required to be paid under the Rules for this purpose will be paid by the Petitioners. The Municipal Council will make available the water facility and will permit the Petitioners to put up the construction which will be put up at the cost of the Petitioners.

2. The State Government and the Municipal Council will see to it that a permanent site is provided to the Petitioners at the earliest which should be preferably within six months from today and in any case by the end of May 2005. We also clarify that if the Petitioners require any police protection at the time of construction or a few days thereafter, the same will be made available by the State Government. The police authorities of the town are directed to take necessary steps.

3. Interim orders stand vacated.

4. Mr.Anturkar states that in view of the disposal of this petition, the petitioners will withdraw the contempt petition which have been filed against the respondents.

5. Writ Petition stands disposed of accordingly.

(H.L. GOKHALE, J.)

(NISHITA MHATRE, J.)